

ORDINANCE _____ - 2009

AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING MONROE COUNTY SECTION 110-3, PREAPPLICATION CONFERENCE; ELIMINATING REFERENCES TO THE OBSOLETE POSITION OF DEVELOPMENT REVIEW COORDINATOR; REASSIGNING THE RESPONSIBILITIES AND DUTIES OF THE DEVELOPMENT REVIEW COORDINATOR TO THE PLANNING DIRECTOR OR PLANNING DEPARTMENT STAFF; AMENDING THE TIMEFRAME IN WHICH A LETTER OF UNDERSTANDING SHALL BE MAILED TO THE APPLICANT; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE DEPARTMENT OF COMMUNITY AFFAIRS AND THE SECRETARY OF STATE; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the current text describing the functioning of the planning department is outdated; and

WHEREAS, the current text within the Monroe County Code Land Development Code providing the timeframe in which a letter of understanding shall be mailed to an applicant is not practical and does not reflect current practice; and

NOW, THEREFORE, BE IT ORDAINED BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS:

Section 1. Section 110-3 shall be amended as follows (deletions are stricken through and additions are underlined):

Sec. 110-3. ~~Preapplication~~ Pre-application conference.

An applicant for development approval may request ~~in writing a preapplication~~ a pre-application conference with ~~the development review coordinator~~ planning department staff by submitting an application to the planning department. Prior to the conference, the applicant shall provide to the ~~development review coordinator~~ planning department a description of the proposed development including its character, location and magnitude ~~of the proposed development~~. The purpose of this ~~meeting~~ conference is to acquaint the participants with the requirements of ~~these~~ the land development regulations, applicable comprehensive plan policies and the views and concerns of the county. The substance of the ~~preapplication~~ pre-application conference shall be recorded in a letter of understanding

prepared by ~~the development review coordinator~~ planning department staff and signed by the ~~director of planning~~ planning director. The letter shall be mailed to the applicant within ~~five working~~ 30 days after the conference, except under those circumstances where additional information is required by planning department staff following the conference. In those situations, the planning director cannot issue a letter until all required information is submitted and reviewed. The letter of ~~understanding~~ shall set forth the subjects discussed at the conference and the county's position in regard to the subject matters discussed. The applicant shall be entitled to rely upon representation made at the conference only to the extent such representations are set forth in the letter of ~~understanding~~. A letter of understanding shall not provide any vesting to requirements and regulations. The development shall be required to be consistent with all regulations and policies at the time of development approval. The planning director acknowledges that all items required as a part of the application for development approval may not have been addressed at the conference, and consequently reserves the right for additional comment.

Section 2. Severability.

If any section, paragraph, subdivision, clause, sentence or provision of this ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder of this ordinance, but the effect thereof shall be confined to the section, paragraph, subdivision, clause, sentence, or provision immediately involved in the controversy in which such judgment or decree shall be rendered.

Section 3. Conflicting Provisions.

In the case of direct conflict between any provision of this ordinance and a portion or provision of any appropriate federal, state, or County law, rule code or regulation, the more restrictive shall apply.

Section 4. Transmittal.

This ordinance shall be transmitted by the Planning and Environmental Resources Department to the Florida Department of Community Affairs as required by F.S. 380.05 (11) and F.S. 380.0552(9).

Section 5. Filing.

This ordinance shall be filed in the Office of the Secretary of the State of Florida but shall not become effective until a notice is issued by the Department of Community Affairs or Administration Commission approving the ordinance.

Section 6. Inclusion in the Monroe County Code.

The provisions of this Ordinance shall be included and incorporated in the Code of Ordinances of the County of Monroe, Florida, as an addition to amendment thereto, and shall be appropriately renumbered to conform to the uniform marking system of the Code.

Section 7. Effective Date.

This ordinance shall become effective as provided by law and stated above.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida at a regular meeting held on the ____ day of _____, 2009.

Mayor George Neugent
Mayor *pro tem* Sylvia Murphy
Commissioner Kim Wigington
Commissioner Heather Carruthers
Commissioner Mario Di Gennaro

MONROE COUNTY BOARD OF COUNTY COMMISSIONERS

Attest: DANNY L. KOLHAGE, CLERK

By _____
Deputy Clerk

By _____
Mayor George Neugent